

SEMENZA RICKARD LAW
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
Telephone: (702) 835-6803

Lawrence J. Semenza, III, Esq., Bar No. 7174
Email: ljs@semenzarickard.com
Katie L. Cannata, Esq., Bar No. 14848
Email: klc@semenzarickard.com
SEMENZA RICKARD LAW
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
Telephone: (702) 835-6803
Facsimile: (702) 920-8669
*Attorneys for Defendant/Counterclaimant
MGM Grand Hotel, LLC and Defendant
MGM Resorts International*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

DWIGHT MANLEY,

Plaintiff,

v.

MGM RESORTS INTERNATIONAL; MGM
GRAND HOTEL, LLC,

Defendants.

MGM GRAND HOTEL, LLC, a Nevada
limited liability company,

Counterclaimant,

v.

DWIGHT MANLEY, an individual,

Counter-Defendant.

Case No. 2:22-cv-01906-MMD-EJY

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINE
AND STATUS REPORT REGARDING
DISCOVERY**

(Fifth Request)

Pursuant to LR IA 6-1 and 6-2, Plaintiff/Counter-Defendant Dwight Manley ("Plaintiff"), Defendant/Counterclaimant MGM Grand Hotel, LLC and Defendant MGM Resorts International (together, "Defendants"), hereby submit this Stipulation to Extend the Discovery Deadline (Fifth

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Request) and Status Report Regarding Discovery.

As the Court knows, the discovery deadline in this matter expired on September 30, 2024. On October 1, 2024, the parties filed a Stipulation to Extend Dispositive Motion and Joint Pre-Trial Memo Deadlines (Fourth Request) (the "Fourth Stipulation"). [ECF No. 112.] As stated therein, the parties sought to extend the dispositive motion and joint pre-trial memo deadlines to December 30, 2024 and January 31, 2025, respectively. [*Id.*] The Court was further informed that while both parties acknowledged that certain discovery remained outstanding, they had yet to reach an agreement regarding an extension of the deadline and/or the discovery to be conducted during that period. [*Id.*] Thus, the parties agreed to notify the Court concerning the agreed to (and/or disputed) parameters for completing discovery in this case, as well as a proposed discovery cut-off date, within two (2) weeks (*i.e.* by October 15, 2024.) The Court subsequently granted the parties' Fourth Stipulation. [ECF No. 113.]

Since the submission of their Fourth Stipulation, the parties have met and conferred as to what discovery remains in this case, whether such discovery is appropriate and a proposed discovery cut-off date. Pursuant to those discussions, the parties have agreed to an extension of the discovery deadline up to and including November 30, 2024. The parties' requested extension will not impact the previously continued dispositive motion or pre-trial memo deadlines. [See ECF No. 112.] Rather, the proposed extension will ensure that the parties have sufficient time to complete discovery before the dispositive motion deadline.

With regard to what discovery remains to be completed, the parties' respective positions are as follows:

Manley's Proposed Remaining Discovery

1. Remaining follow up discovery regarding third-party subpoenas to telephone carriers and the Las Vegas Metropolitan Police Department ("LVMPD").
2. FRCP 30(b)(6) deposition(s) of Defendants.
3. Requests for admission to Defendants concerning the authentication of documents and certain issues of fact presented in this case.
4. Possible depositions involving individuals who were identified in prior incident

reports produced by Defendants.¹

Defendants have no objection to Manley's proposed follow up discovery relating to the LVMPD and telephone carrier subpoenas. Defendants similarly do not object to FRCP 30(b)(6) depositions of their designee(s), subject to a further meet and confer conference concerning certain topics identified by Manley. While Defendants do not consent to Manley propounding additional requests for admission, they will work with Manley to determine what additional requests for admission are appropriate and once received respond to them accordingly. Finally, Defendants object to any discovery involving and/or concerning individuals identified in prior incident reports on the grounds that any such discovery would be inappropriate.

Defendants' Proposed Remaining Discovery

1. Subpoenas duces tecum to telephone carriers for purposes of requesting call logs associated with the following individuals' telephone numbers: (1) Manley's former private investigator, Thomas Fletcher ("Fletcher"), (2) Manley, and (3) Jerilyn Koch.
2. Subpoena duces tecum and subpoena for deposition upon the former LVMPD officer who provided Fletcher access to the LVMPD case file concerning the alleged incident.
3. A continued deposition of Manley for purposes of addressing outstanding discovery issues.²

Manley has no objection to Defendants conducting their proposed remaining discovery.

To the extent that the parties are unable to agree upon the proposed remaining discovery set forth above, those issues shall be brought before the Court for adjudication. As such, both parties reserve their right to file appropriate motions with the Court, if necessary.

¹ As stated in the parties' Fourth Stipulation, on September 27, 2024, Defendants produced prior incident reports consistent with the Court's ruling on Plaintiff's Motion to Compel and Defendants' corresponding Motion for Protective Order. (See ECF No. 65 and ECF No. 94.)

² Defendants will determine whether it would be appropriate to conduct Manley's continued deposition via remote means.

Considering the foregoing, the parties respectfully request that the discovery deadline be extended to November 30, 2024. As stated above, the requested extension will not require a further continuation of the dispositive motion or pre-trial memo deadlines. For the Court's reference, the parties' proposed schedule is set forth below:

	<u>Current</u>	<u>Proposed</u>
Discovery deadline:	September 30, 2024	November 30, 2024
Dispositive Motions:	December 30, 2024	N/A
Joint Pre-Trial Memo:	January 31, 2025	N/A

This Stipulation is made in good faith and not for purposes of delay.

DATED this 15th day of October 2024.

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PRHLAW LLC

/s/ Katie L. Cannata

/s/ Paul R. Hejmanowski

Lawrence J. Semenza, III, Esq., Bar No. 7174
 Katie L. Cannata, Esq., Bar No. 14848
 10161 Park Run Drive, Suite 150
 Las Vegas, Nevada 89145
*Attorneys for Defendant/Counterclaimant
 MGM Grand Hotel, LLC & Defendant MGM
 Resorts International*

Paul R. Hejmanowski, Esq., Bar No. 94
 Charles H. McCrea, Esq., Bar No. 104
 520 S. Fourth St., Ste. 360
 Las Vegas, Nevada 89101
*Attorneys for Plaintiff/Counter-Defendant
 Dwight Manley*

IT IS SO ORDERED.


 United States Magistrate Judge

DATED: October 15, 2024

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